

JUN 07 2005

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Message: **DELIVER TO EXAMINER DAVID A. MONTANARI**

Applicant : Robbins
Filed : July 3, 2003
Serial No. : 10/613,728
Title : A ROBUST INDUCIBLE CARDIAC PREFERRED EXPRESSION SYSTEM FOR TRANSGENESIS
Docket No. : CHM02-GN053
Examiner : David A. Montanari
Art Unit : 1632

See attached Response to Election/Restriction Requirement in the above-referenced matter.

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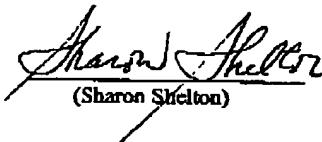
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(Sharon Shelton)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Robbins
 Filed : July 3, 2003
 Serial No. : 10/613,728
 Title : A ROBUST INDUCIBLE CARDIAC PREFERRED
 EXPRESSION SYSTEM FOR TRANSGENESIS
 Docket No. : CHM02 GN053
 Examiner : David A. Montanari
 Art Unit : 1632

Hon. Commissioner for Patents
 Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This paper is filed in response to the Election/Restriction Requirement Office action mailed on May 19, 2005 having a period of response extending through and including June 19, 2005.

REMARKS

The May 19 Office action indicates that pending claims, 1-37, are subject to a restriction or election requirement. The Office action indicates that Applicants are

{W0454720.1}

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required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits.

As indicated on Pages 2-3 of the May 19 Office action, it is alleged that the application contains claims directed to six patentably distinct inventions:

Group I: Claims 1-15 drawn to an isolated nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1, an expression cassette, vector, and host cell comprising an isolated nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or said expression cassettes, vectors, or host cells comprising an isolated nucleic acid molecule having at least 95% identity with SEQ ID NO:1.

Group II: Claims 16-24, drawn to a transgenic animal, mouse, rabbit, dog, pig, goat, monkey, chimpanzee, or cow comprising a nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or said transgenic animals comprising a nucleotide sequence that is at least 95% identical to SEQ ID NO:1.

Group III: Claims 22-28, and 37, drawn to a transgenic mouse comprising SEQ ID NO:5 or SEQ ID NO:6 or at having at least 95% identity to SEQ ID NO:5 or SEQ ID NO:6 operably linked to a nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or having at least 95% identity to SEQ ID NO:1, and a method of identifying anti-cardiopathic compounds using said mouse.

Group IV: Claims 22-26, 29-30, and 37, drawn to a transgenic mouse comprising SEQ ID NO:7 or SEQ ID NO:8 or at having at least 95% identity to SEQ ID NO:7 or SEQ ID NO:8 operably linked to a nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or having at least 95% identity to SEQ ID NO:1, and a method of identifying anti-cardiopathic compounds using said mouse.

Group V: Claims 22-28, and 31-36 drawn to a transgenic mouse comprising SEQ ID NO:5 or SEQ ID NO:6 or at having at least 95% identity to SEQ ID NO:5 or SEQ ID NO:6 operably linked to a nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or having at least 95% identity to SEQ ID NO:1, and a method of altering expression of a nucleotide sequence of interest using said mouse.

Group VI: Claims 22-26, 29-36 drawn to a transgenic mouse comprising SEQ ID NO:7 or SEQ ID NO:8 or at having at least 95% identity to SEQ ID NO:7 or SEQ ID NO:8 operably linked to a nucleic acid molecule having the nucleotide sequence set forth in SEQ ID NO:1 or

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having at least 95% identity to SEQ ID NO:1, and a method of altering expression of a nucleotide sequence of interest using said mouse.

Applicant elects to prosecute the claims of Group I, without traverse.

If the Examiner holds that the instant election is proper, cancellation of claims 16-37 will follow the first Office action on the merits. Favorable consideration of the elected claims is respectfully requested.

If the Examiner wishes to discuss any aspect of this response, do not hesitate to contact the undersigned at the telephone number provided below.

Respectfully submitted,


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